



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,216	02/07/2001	You Mon Tsang	005275.P001	6639

7590 08/28/2003

James H. Salter
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

HECK, MICHAEL C

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,216

Applicant(s)

TSANG ET AL.

Examiner

Michael Heck

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 July 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office Action is responsive to applicant's amendment filed 9 July 2003. Applicant's amendment of 9 July 2003 amended claims 1, 2, 8, and 15. Currently, claims 1-21 are pending.

Response to Amendment

2. The objection to the drawings in the First Office Action is withdrawn in response to the applicant's amendment to the drawings with the exception of the figure 1 objection. The applicant indicated compliance with 37 CFR 1.84(p)(5) with regard to reference number 125 on figure 1 since the specification was amended to overcome the objection. Neither the drawing nor the specification was changed to overcome the objection. Therefore, Figure 1 is objected to as failing to comply with 37 CFR 1.84(p)(5) because the reference sign 125 is not mentioned in the description. A proposed drawing correction, corrected drawings, or amendment to the specification to add reference sign 125 in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The objection to the specification in the First Office Action is withdrawn in response to the applicant's amendment to the specification with the exception of the Page 22, line 12 objection. Page 22, line 12 states "This particular web site is shown to include these eleven sections". It should be -- This particular web site is shown to include these twelve sections--. Figure 7 has twelve sections to include Author, Article Date, Publication, URL, Score, Keywords, Partners, Competitors, People, Companies, Quotes, and Summary of text.

Response to Arguments

4. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

5. The amendments to the drawings were received on 9 July 2003. These drawings are incomplete. The amendment states the sheets, which includes Figs 1-8, replaces the original sheets including Figs 1-8. Figure 8 of the new sheets is missing.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (Feldman, S., The Answer Machine. (information services management)(Industry Trend or Event), Searcher: The Magazine for Database Professionals, Vol. 8, No. 1, January 2000, Page 58 [DIALOG: file 16]) in view of Baker et al. (Baker et al, Mine over Matter, Journal of Business Strategy, Vol. 19, No. 9, Jul/Aug 1998, Pages 22-26 [DIALOG: file 15]). Feldman discloses a system of analyzing networked searches within business markets comprising:

Art Unit: 3623

- [Claim 1] aggregating data gathered from networked sources, networked sources includes at least one user at a computer networked, wherein the data includes a plurality of documents and cleaning said aggregated data by removing superfluous data elements and extracting metadata and actual body of a document (Para 2, 38-40, and 64-65, Feldman teaches using the Internet to find and deliver information. Non-information professionals demand systems that can locate and manipulate information without arcane command languages. Text-mining technologies find facts and patterns within a database, and extracts information from all the pertinent documents.);
- storing said cleaned data in a database (Para 91, Feldman teaches Puffin Search that searches the Web and brings the results back to your desktop. It saves the search results. The examiner interprets the search results are saved in a database.);
- receiving a set of search criterion submitted by a user and automatically and transparently modifying the search criterion if a historical analysis of previous sets of search criterion provided and modified by the user indicates a refined version of the search criterion (Para 37-41, Feldman teaches information systems that learn what you sought and began to anticipate what you would like to see. An intelligent agent system runs an updated query periodically on all the web search engines. Intelligent agent systems are autonomous and can initiate actions within a carefully defined set of rules. The systems will adapt to preferences for formats or other repetitive actions taken.);
- generating a reporting analysis, and formatting the reporting analysis in accordance with previously submitted user preferences, wherein the reporting analysis is based on the search criterion provided by the user and the results from said data analysis (Para 55-56, Feldman teaches automatic summarization that either summarizes whole documents or summarizes across multiple documents).

Feldman fails to teach generating a data analysis from said stored data based on the set of search criterion provided by the user. Baker et al. teaches data mining tools extend decision support capabilities that allow managers to query information in databases and turn the results into reports. Data mining identifies, extracts, and analyzes the information contained in the cleansed, organized, and formatted relational database. Data mining tools automatically identify unusual data densities that are the signs of process variations and identify patterns of change (Para 10-11, and 20-21). It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 3623

applicant's inventions to include data mining with the teachings of Feldman since Baker et al. teachings teach that it is old and well known to use data mining to uncover useful patterns inside databases (Abstract). Feldman teaches information end users needs to find the right information quickly, analyze it, combine it into reports, summarize it for upper management, or use it to make decisions (Feldman: Para 2). Data mining uses statistical methods and search software to uncover useful patterns inside databases. Time is money and getting the right information and analyzing it is paramount to a company's success. Data mining allows companies to quickly capture details of business information and mission-critical relationships that affect their business allowing the managers to make time sensitive decisions that ensure the success of the business.

- [Claim 2] applies performance metrics according to the data gathered from user (Baker et al.: Para 19-20, Baker et al. teaches analyzing historical performance in stores and identifying data densities that indicate process variations within manufacturing and assembly operations).
- [Claim 3] is stored in consecutive order starting with the first reporting analysis conducted (Baker et al.: Para 13-15, Baker et al. teaches data mining helps turn warehoused data into predictive information, such as detecting deviations in key data from previous or expected values allowing users to use deviations to predict changes in future trends, outputs, or behaviors. Inherently, to perform a deviation analysis to predict future trends the data needs to be in consecutive order.).
- [Claim 4] is updated subsequent to any additional reporting analysis conducted after the first reporting analysis is completed (Feldman: Para 5 and 67, Feldman teaches setting up a filter, profile or "standing query" which runs against any new additions to the database to support a search type of continuous monitoring of a subject.)
- [Claim 5] focuses on particular industries and may be any of: marketing, support, finance, research and development, sales or executive (Baker et al.: Para 16 and 21, Baker et al. teaches data mining helps break the market into segments for the banking, credit card, and insurance industry and helps identify changes in the market for the telecommunications industry).

Art Unit: 3623

- [Claim 6] focuses on particular departments within the particular industries and may be any of: high-technology, electronics, automotive, financial services or entertainment (Baker et al.: Para 17-18 and 21, Baker et al. teaches data mining helps find patterns of product usage and consumer behavior which helps improve the management of bank branches, automated teller machines, and service outlets and helps retail stores understand profit patterns. The marketing department in the telecommunications industry can better focus on customers who demonstrate an acceptance of service and longer usage.).
- [Claim 7] may include publication listings and/or the timeframe in which these publications have been published (Feldman: Para 5 and 33, Feldman teaches a search type to include a chronological reconstruction of events or actions whereby, the system stores a document where each unit of meaning may carry a time stamp related to the content.).

Claims 8-14 and 15-21 recite substantially the same limitations as that of claims 1-7 with the distinction of the recited method being a system and an apparatus that includes computer readable media with executable instructions. Hence the same rejection for claims 1-7 as applied above applies to claims 8-14 and 15-21, respectively.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3623

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Or faxed to:

(703) 872-9306	[Official communications; including After Final communications labeled "Box AF"]
(703) 746-9419	[Informal/Draft communication, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7th floor receptionist.

mch
25 August 2003


**TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**